

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27542 of 2017

Arising Out of PS.Case No. -24 Year- 2017 Thana -MEDANICHOWK District- LAKHISARAI

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Shankar Mahto S/o- Natho Mahto, Resident of Village-
Banshipur Chai Tola, P.S.- Mednichowki, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-07-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Mednichowki P.S. Case No. 24/2017 registered for the offence punishable under Sections 376, 504, 506, 323/34 of the Indian Penal Code and under Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that, on bare perusal of the First Information Report, it would appear that the allegation of having physical contacts or sexual relationship is only against Sunny Kumar (younger brother of the petitioner). So far as present petitioner is concerned, the only allegation against him is that when the victim girl allegedly went to



the house of the said Sunny Kumar and made a complaint that Sunny Kumar is in physical relationship with her for the last two years on the pretext of marriage, this petitioner assaulted with fists and told the victim that she was making wrong allegation against his brother. She was got ousted from the house.

Learned counsel for the petitioner, however, submits that such frivolous allegations have been made against other family members also. Learned counsel for the petitioner has drawn my attention towards statement made under Section 164 Cr.P.C., wherein also the allegations, which may attract the provisions of POCSO Act, are only against Sunny Kumar. The victim girl has not named this petitioner in her statement.

Learned counsel for the petitioner submits that the provision of POCSO is in fact not attracted against him, however, petitioner is in custody since 01.05.2017.

In the facts and circumstances stated hereinabove, considering the facts as stated in the F.I.R. as well as in the statement made under Section 164



Cr.P.C., I am inclined to grant regular bail to the petitioner. Let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (POCSO), Lakhisarai, in connection with Mednichowki P.S. Case No. 24/2017, subject to conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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